

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

EDWIN AND LOUISE HUNT,

Plaintiffs,

v.

Docket No. TBD

TARGET CORPORATION ,

Defendant.

NOTICE OF REMOVAL

**TO THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Pursuant to 28 U.S.C. § 1446(a), the defendant, Target Corporation, hereby invokes this Court's jurisdiction under the provisions of 28 U.S.C. §§ 1332 and 1441(a) and states the following grounds for removal:

1. On or about February 15, 2018, Plaintiffs Edwin and Louise Hunt filed an action, styled and captioned as above and assigned Civil Action No. 213-2018-CV-00023, for alleged negligence against the defendant, Target Corporation, in Cheshire Superior Court.
2. Plaintiffs served the Summons and Complaint upon the defendant on or about March 6, 2018.
3. The Summons and Complaint constitute all process, pleadings, and orders served on Defendant to date in this action. Copies of the Summons and Complaint are attached.
4. Plaintiffs' Complaint states that Plaintiff, Edwin Hunt suffered "severe injuries to his back, right hip, and leg," expenses for medical treatment, and lost earnings.

5. On or about April 6, 2018, Plaintiffs' counsel provided a summary of Mr. Hunt's alleged injuries and claims, e.g., that Mr. Hunt's medical bills total \$8,191 and he was 100% disabled from his work as of the alleged incident at Target.
6. While the total of Plaintiff's lost wages was not provided, he is alleging that he has been out-of-work since February 22, 2015.
7. In a letter of April 23, 2018, Plaintiff's counsel indicated that the workers' compensation lien exceeds \$75,000.
8. Having been filed within 30 days of "receipt by the defendant...of an amended pleading, motion order or other paper from which it may first be ascertained that the case is one which is or has become removable," this Notice of Removal to the United States District Court has been filed in a timely manner pursuant to the provisions of 28 U.S.C. §1446(b).
9. Defendant will promptly provide written notice, as required by 28 U.S.C. §1446(b), to the adverse party and clerk of the state court in which this case was initially filed.
10. Jurisdiction exists over this removal action, pursuant to 28 U.S.C. §1441, because this action has become removable and, based on the parties currently named, could originally have been filed in this Court, pursuant to 28 U.S.C. §1332(a)(1), on the basis that there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000:
 - a. Defendant Target Corporation is a Minnesota corporation with its principal place of business in Minneapolis, Minnesota.
 - b. Plaintiffs are individuals residing in Hooksick Falls, New York.

11. Pursuant to 28 U.S.C. §§ 101 and 1441(a), the United States District Court for the District of New Hampshire is the proper forum for removal of the state court action which was commenced in Cheshire Superior Court.

WHEREFORE, Defendant requests that the action pending in Cheshire County be removed therefrom to this Court and proceed as an action properly so removed.

Respectfully submitted,

TARGET CORPORATION

By Its Attorneys,

MORRISON MAHONEY LLP

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following persons on this date in the manner specified herein:

First Class Mail

Ronald E. Cook, Esq.
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Counsel for Plaintiffs

/s/ Meredith M. Lasna

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